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TECHNOLOGY CENTER 2100

*In re* Application of:  
Javier F. Delgado et al  
Appl. No.: 10/667,688  
Filed: September 22, 2003  
For: Method and System For Distributing and Installing Software

DECISION ON PETITION  
UNDER 37 CFR § 1.59

This is a decision on petitions under 37 CFR § 1.59(b), filed on October 22, 2007, to expunge information submitted pursuant to MPEP § 724.05.

The petitions are **DISMISSED**.

Petitioner requests that the information submitted on October 22, 2007 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on October 22, 2007 considered to be "material." Once prosecution on the merits is closed, applicant may re-submit petitions to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

The identified documents are currently not available for public view.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3591

/Gail Hayes/  
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